

AGENDA

**BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500**

**July 24, 2006
5:30 P.M. (EDT)**

1. INVOCATION

Sandra Murphree, Pastoral Assistant,
First United Methodist Church

PLEDGE OF ALLEGIANCE

John Hammond

ROLL CALL

MINUTES

June 26, 2006 Regular Meeting; July
10, 2006 Work Session; July 13,
2006 Work Session.

MAYOR'S REPORT

2. CEREMONIAL ITEMS

2.1 Employee Recognition

Background: The Board of Commissioners traditionally recognizes City employees who are retiring or are being promoted within the various City departments. At this meeting, the following individuals will be in attendance:

Fire Department: John Unger, for promotion to Assistant Chief
Dan Shouse, for promotion to Public Info Officer/Battalion Chief
Greg Moore, for promotion to EMS Director/Captain
Douglas S. Taylor, for promotion to Captain
Sean Sullivan, for promotion to Lieutenant
Brad Kays, for promotion to Sergeant
Louis McClain, for promotion to Acting Battalion Chief

Public Works Robert Harlow, for retirement after 27 years, effective 7-31-06

2.2 Public Works Awards

Background: Public Works Employees recently participated in several Safety/Training Rodeos. The following employees received awards:

Transit Division -
Frankfort Transit Rodeo:
Merolyn Chipman – First Place
Linda Freshour – Second Place
Paul Clark – Third Place

Street Division -
American Public Works Association State Snowplow Competition:
Keith Meriwether and Raymond Austin – First Place
Allen Burriss and Eddie Wiley – Second Place

American Public Works Association State Backhoe Competition:

Eddie Wiley – Second Place

Sanitation Division –
Kentucky Chapter of the North American Solid Waste Association Competition:
Daniel Kirk – Third Place

3. **ORDINANCES**

- 3.1 **SECOND READING:** An Ordinance amending Ordinance No. 26, 2005 Series and Frankfort Code of Ordinances Section 111.38 to establish the annual fee to be paid by businesses properly engaged in the Sunday sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants.

Purpose: To establish the annual fee to be paid by businesses properly engaged in the Sunday sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants.

Background: The Commission passed Ordinance No. 25, 2005 Series to allow Sunday liquor sales at hotels, motels, and restaurants. The proposed \$ 300.00 license fee is consistent with Sunday License fees charged by other Second Class cities.

This Ordinance had its first reading June 26, 2006.

Financial Analysis: These fees are expected to generate approximately \$3,600 annually.

Attachments:

- Ordinance
- License Fees Comparison Table

Contact Person:

Name: Steve Dawson
Title: Director
Department: Finance
Phone: 502/875-8500
E-mail: Sdawson@fewpb.com

- 3.2 **SECOND READING:** An Ordinance amending Ordinance No. 8, 1983 Series by amending the City of Frankfort Zoning Ordinance - Article 1, Section 1.09 Provisions for Waivers and Modifications as well as Article 4, Sections 4.226; 4.236; and 4.306 of the City of Frankfort's Zoning Ordinance. Specifically, the request is to amend the modification provisions of the specific criteria, stipulating the applicant's responsibilities concerning modifications, and changing the requirements of frontage roads within the CG, CH, and IC Districts.

Purpose: To amend the City's Zoning ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending the City of Frankfort Zoning ordinance - Article 1, Section 1.09 Provisions for Waivers and Modifications as well as Article 4, Sections 4.226; 4.236; and 4.306 of the City of Frankfort's Zoning Ordinance. Specifically, the request is to amend the modification provisions of the specific criteria, stipulating the applicant's responsibilities concerning modifications, and changing the requirements of frontage roads within the CG, CH, and IC Districts.

Background: On October 14, 2003, the Zoning Update Committee met to discuss four issues, one being waivers. Two draft ordinances were provided and discussed. It was determined that the entire waiver section from the Zoning Ordinance (Section 1.09) should be removed rather than amended. After a public hearing was held by the Frankfort/Franklin County Planning Commission on December 11, 2003, the Planning Commission approved to recommend that Section 1.09 – Provision for Waivers and Modifications be repealed in their entirety for the City of Frankfort and Franklin County. The report and testimony given at that meeting was also approved as the summary of the public hearing. The motion to

repeal the waiver section was by a unanimous vote. However, on January 19, 2004 the City Commission did not support the recommendation.

On October 6, 2005, the zoning update committee revised the proposed amended regulation and requested it to be sent to the Planning Commission.

On March 9, 2006, the Planning Commission sent this ordinance amendment back to the zoning update committee for further discussion.

On March 29, 2006, the Zoning Update Committee discussed the item and again revised the proposed amendments.

On June 8, 2006, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and unanimously approved to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

This Ordinance had its first reading June 26, 2006.

Recommendation: Approval

Attachments:

- Proposed Ordinance amendment
- The report submitted to the Planning Commission
- Minutes of the June 8, 2006 Planning Commission meeting

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/875-8513
Email: gmuller@fewpb.com

- 3.3 **SECOND READING:** An Ordinance amending Ordinance No. 8, 1983 Series by amending the City of Frankfort Zoning Ordinance - Article 13, Table 13.3 Standards for Permitted Signs of the City of Frankfort's Zoning Ordinance.

Purpose: To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending the City of Frankfort Zoning Ordinance - Article 13, Table 13.3 Standards for Permitted Signs of the City of Frankfort's Zoning Ordinance. Specifically, the request is to amend maximum area of signage permitted for home occupations (from 4 sq.ft. to 2 sq.ft.) to make this table consistent with the existing language of Article 19.

Background: Article 13 of the Zoning Ordinance provides for sign standards for specific uses. Article 19 provides for requirements relating to Conditional Use Permits, including Home Occupations. Staff has found a conflict and proposes to amend the text to remove the conflicting sections.

The Zoning Update Committee reviewed this item on March 29th and determined that the current requirement of 2 sq. ft. within Article 19 is more appropriate and that it should not be changed. Therefore, Article 13 must be changed to make the two provisions consistent.

On June 8, 2006, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and unanimously approved to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

This Ordinance had its first reading June 26, 2006.

Recommendation: Approval

Attachments:

- Proposed Ordinance amendment
- The report submitted to the Planning Commission
- Minutes of the June 8, 2006 Planning Commission meeting

Contact Person

Name: Gary Muller
Title: Planning and Building Codes Director
Department: Planning
Phone: 875-8513
Email: gmuller@fewpb.com

3.4 **SECOND READING:** An Ordinance amending Ordinance No. 8, 1983 Series by amending the City of Frankfort Zoning Ordinance - Article 17, Section 17.10 Design Guidelines for Exterior Remodeling, Subsection 17.10.9.A. - Walls and Fences.

Purpose: To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending the City of Frankfort Zoning Ordinance - Article 17, Section 17.10 Design Guidelines for Exterior Remodeling, Subsection 17.10.9.A. - Walls and Fences. Specifically, the request is to provide an exception to the fence material (allowing vinyl) within the Special Capitol District when specific conditions apply.

Background: On July 11, 2005, the Mayor sent a memorandum to the City Manager requesting an amendment to Article 17 of the Zoning Ordinance. The basis of the amendment is to allow vinyl as an acceptable material for fence construction in the Special Capitol District. As instructed by the City Manager, staff has prepared language amending the ordinance.

On August 16, 2005, this proposed amendment was forwarded to the Architectural Review Board for comments. They unanimously opposed the requested amendment and did not support any vinyl fence material to be allowed by right.

On October 6, 2005, the Zoning update committee tabled this item to the next zoning update meeting for further discussion and to allow staff to address the following items:

- Should wood grain features be included in material type; provide minimum standards and quality of material if this is to go forward; availability of vinyl fence material locally; seek Ky Heritage Council comments concerning this and small building sheds; and obtain minutes from the ARB meeting.

On March 29, 2006 the Zoning Update Committee reconsidered the request and did not support the proposed text amendment. The failure of support of the Committee was discussed with the Mayor, and he requested that the text amendment be continued through the process.

On June 8, 2006, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and motioned to recommend the City of Frankfort's Board of Commissioners to **deny** the proposed text amendment. The motion passed by a vote of 5-1 (the Chair does not vote, except to break a tie).

This Ordinance had its first reading June 26, 2006.

Recommendation: The Frankfort/Franklin County Planning Commission and the Architectural Review Board has recommended **denial** of the proposed text amendment.

Attachments:

- Proposed Ordinance amendment
- The report submitted to the Planning Commission
- Minutes of the June 8, 2006 Planning Commission meeting

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/875-8513
Email: gmuller@fewpb.com

- 3.5 **SECOND READING:** An Ordinance related to the protection of the public health and welfare by regulating the smoking of tobacco products in buildings open to the public.

Purpose: To consider an Ordinance regulating the smoking of tobacco products in buildings open to the public.

Background: The Franklin County Health Department presented the results of a Frankfort Adult Community Survey conducted by the University of Kentucky Survey Research Center at the June 12 Work Session. At that Work Session, the Board directed City Solicitor Rob Moore to prepare an Ordinance for first reading at the June 26 Regular Meeting based on the Ordinance adopted by the Lexington-Fayette Urban County Government.

This Ordinance had its first reading June 26, 2006.

Attachment:

- Ordinance

Contact Person:

Name: Rob Moore
Title: City Solicitor
Department: City Manager
Phone: 502/227-2271
E-Mail: rmoores@hazelcox.com

- 3.6 **FIRST READING:** An Ordinance adopting and updating the Code of Ordinances for the City of Frankfort, Kentucky; to correct typographical errors and to include Ordinances enacted since June 21, 2004.

Purpose: To consider adopting and updating a Code of Ordinances for the City of Frankfort.

Background: The City of Frankfort has worked with American Legal Publishing Company to correct typographical errors included in the Code and to include Ordinances enacted since passage of the last Code. The City Clerk and City Solicitor have worked with Department Heads and American Legal Publishing to ensure accuracy of the current Code.

Financial Analysis: The original Code approved in June 21, 2004 was financed through a grant from the Kentucky Department of Libraries and Archives. The cost of this update is \$3,055, of which \$2,304 includes codification of the new ordinances, and \$700 is a reprint fee. Funds are available in Account No. 100.20.53210.

Recommendation: Approval

Attachments:

- Ordinance (to be provided)

Contact Person:

Name: Rob Moore
 Title: City Solicitor
 Department: City Manager
 Phone: 502-227-2271
 E-Mail: rmoore@hazelcox.com

4. **ORDERS**

4.1 An Order Authorizing a Management Agreement for Juniper Hill Golf Course.

Purpose: To consider the renewal of the Management Agreement for Juniper Hill Golf Course.

Background: In April 2004, the City entered into an agreement with Kirk Schooley, a PGA Certified Golf Professional, for the operation and maintenance of Juniper Hill Golf Course. The agreement was for one (1) year with a 90-day cancellation upon notice from either party. The compensation and duties are outlined in the attached agreement. In July 2005, the agreement was renewed for one year.

This renewal agreement is for one year. This will ensure that the agreement will stay current preventing possible conflicts with the alcohol licenses. The 90-day cancellation notice will remain.

Financial Analysis: The Pro shall receive an annual salary of \$35,000 commensurate with the City's Salary Schedule and years of service plus benefits (benefits shall not include accrual of vacation, sick, holiday or compensatory leave) and any cost-of-living adjustments accorded other city employees. The Pro shall also receive 10.3 percent of the revenues received for golf cart rentals (up to a maximum of \$16,500 per year) and 35 free memberships to distribute as he sees fit as further part of his remuneration. Funds are available in Account No. 100.70.51000 personnel services.

Recommendation: Approval

Attachment:

- Order
- Management Agreement

Contact:

Name:	Tony Massey	Steve Dawson	Kirk, Schooley
Title:	City Manager	Finance Director	Golf Pro
Department:	City Manager	Finance	Golf
Phone:	502/875-8500	502/875-8500	502/875-8559
E-Mail:	amassey@fewpb.com	sdawso@fewpb.com	kschooley@fewpb.com

5. **RESOLUTIONS**

5.1 Resolution authorizing the City of Frankfort to accept grant funds from the Kentucky Housing Corporation for the Ten Year Plan to End Chronic Homelessness, approving the Grant Agreement and authorizing the Mayor to sign all grant related documents.

Purpose: The purpose of this item is to consider approval of a resolution authorizing the Mayor to sign a Grant Agreement for funds awarded to Frankfort by the Kentucky Housing Authority to alleviate costs of the city to create a Ten Year Plan to End Chronic Homelessness. Adoption of the Resolution will allow the Mayor to sign the grant agreement and all administrative documents required to process the grant.

Background: The state of Kentucky recently adopted a statewide Ten Year Plan to End Chronic Homelessness. In April of 2006 several cities in Kentucky, including Frankfort, were asked to consider creating a Ten Year Plan to End Chronic Homelessness for their communities. The City of Frankfort is only the second community in the state to contact the Kentucky Housing Corporation to inquire about

how to begin creating a plan. KHC has agreed to give the city a \$5,000.00 grant to help offset some of the administrative fees for this project.

Financial Analysis: This grant will offset the cost of the project and there is no match requirement from the City.

Recommendation: Approval

Attachments:

- Resolution
- Grant Assistance Agreement

Contact Person:

Name: Rebecca Hall
Title: Grants Manager
Department: City Manager
Phone: 352-2076
Email: rhall@fewpb.com

6. **CONSENT CALENDAR**

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 To consider the purchase of a Windows-based finance and accounting software package.

Purpose: The purpose of this item is to authorize the conversion of the current DOS-based software to a Windows version accounting software. This software can be purchased over a two-year period for \$27,800 (see the detail below).

- 1) \$10,850 due on installation
- 2) \$ 8,475 due 7/07
- 3) \$ 8,475 due 8/08

Background: This will allow financial data to be queried from the financial database to a spreadsheet for sorting and analysis. This system is more user friendly and readily accessible. Additionally, the proposed update is part of PlanGraphics recommended strategic initiatives plan (see attachment).

Financial Analysis: \$10,850 budgeted in equipment Account No.100.50.56551 for the first installment of this software upgrade.

Recommendation: Approval

Attachments:

- PlanGraphics Phase I Recommended Strategic Initiatives

Contact Person:

Name: Steve Dawson
Title: Finance Director
Department: Finance
Phone: 502/875-8500
E-Mail: sdawson@fewpb.com

6.2 To consider a Bid Award for Road Salt. (Public Works Department)

Purpose: The purpose of this item is to consider a bid award for a two-year supply contract for road salt to Cargill Inc.

Background: On 7/3/06, the City received three bids for a two-year unit price contract for road salt as shown on the attached Bid Tabulation. The bids ranged from a high of \$52.24/ton to the low of \$48.36/ton submitted by Cargill Inc.

Financial Analysis: Funds are available in the Drugs and Lab Supplies Account No.100.62.54335 for the purchase of road salt.

Recommendation: Approval

Attachments:

- Bid Tabulation

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8500
E-mail: jhackbrt@fewpbcom

- 6.3 To consider entering into a Site Lease with Option with Alaska Native Broadband 1 License, LLC. and authorize the Mayor to sign all lease-related documents (Communications).

Purpose: To enter into a Site Lease with Option with Alaska Native Broadband 1 License, LLC. and authorize the Mayor to sign all lease-related documents.

Background: The City of Frankfort will enter into a Site Lease with Option with Alaska Native Broadband 1 License, LLC. Under the lease, Alaska Native will be entitled to install communications equipment at the Fire Station at 900 East Main Street. Alaska Native will have the right to enter into the lease with the City for 3 months, and if it enters into the lease, the lease will be for a five-year term, with the right to extend the lease for 4 additional five-year terms.

Financial Analysis: Under the agreement the rent due under the lease is \$16,800 during the first term, with the amount increasing by ten percent (10%) for each term thereafter.

Recommendation: Approval

Attachments:

- Lease

Contact Person:

Name:	Rob Moore	Darryl Hensley
Title:	City Solicitor	Director
Department:	City Manager	Communications
Phone:	502/227-2271	502/875-8582
E-Mail:	rmoore@hazelcox.com	dhensley@fewpb.com

- 6.4 To consider approving a Sanitary Sewer Extension Contract with the Commonwealth of Kentucky Finance and Administration Cabinet Department for Facilities and Support Services, Frankfort, Kentucky (Sewer Department).

Purpose: To approve a sewer extension contract with owner of the Jones building renovation at 120 Glenns Creek Road in Franklin County, Kentucky of a private sanitary sewer extension owned and

maintained by the Developer. Developer wishes to make improvements to its private sanitary sewer extension consisting of 2 new manholes and 125 feet of 8-inch SDR 35 pipe to serve the Jones building.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Kenneth A. Marks, Deputy Commissioner, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments:

- Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

- 6.5 To consider approving a Sanitary Sewer Extension Contract with Roman Catholic Diocese of Lexington, Kentucky (Sewer Department).

Purpose: To approve a sewer extension contract with owner of Good Shepherd Church Parish Center Building at 1050 Leestown Road in Franklin County, Kentucky that is properly zoned for commercial development, with improvements including 3 new manholes and 321 feet of 8-inch SDR 35 pipe.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Most Revered Ronald W. Gainer, Bishop of Lexington, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments:

- Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

- 6.6 To consider authorization to waive payment of the Payment In Lieu of Taxes (PILOT) for the Frankfort Housing Authority for the year 2005 (Finance Department).

Purpose: To authorize waiver of the Frankfort Housing Authority's 2005 PILOT payment in the amount of \$18,220.

Background: The Frankfort Housing Authority has requested and received waiver of the annual PILOT payment for the past fifteen years. In 2005, the Department of Housing and Urban Development reduced funding to Housing Authorities to 97% of budget requests. Waiver of the PILOT would help offset this shortage for Frankfort.

Financial Analysis: The City provided \$20,000 to the Frankfort Housing Authority in 2005 funding subsidy. The PILOT would be in addition to that contribution.

Recommendation: Approval

Attachments:

- Letter from Housing Authority Executive Director Carol Anthony

Contact Person

Name: Tony Massey
Title: City Manager
Department: City Manager
Phone: 875-8500
Email: Amassey@fewpb.com

6.7 To consider authorization to purchase a 2007 Chevrolet Suburban 4-wheel drive vehicle (Fire Department)).

Purpose: To purchase a 2007 Chevrolet Suburban 4-wheel drive vehicle.

Background: The 2006-2007 budget includes a vehicle to be purchased for the Emergency Preparedness Coordinator. For the past two years the Coordinator has used the Fire Department utility pickup truck as his assigned vehicle. The pickup truck needs to be returned to the Fire Department fleet for frequent towing operations and general purpose use. The vehicle needed for the Emergency Preparedness Coordinator must be a large 4-wheel drive SUV to accommodate extensive equipment carried and frequent off-road use.

Financial Analysis: Purchase price is \$35,883 under State Price Contract #MA-758-C-05418628-9. Funds are available in DES Equipment Account No. 100.40.56550.

Recommendation: Approval

Attachments:

- State Price Contract information
- Letter of Intent to Purchase with total price

Contact Person

Name: Wallace Possich
Title: Fire Chief
Dept.: Fire
Phone: 502-875-8511
E-Mail: wpossich@fewpb.com

6.8 Personnel

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
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Promotion	John Noe	Planning and Building Codes	7-25-06	From License Enforcement Officer (Finance) to Code Enforcement Inspector (Planning)
	John Unger	Fire	7-25-06	From Battalion Chief to Assistant Chief.
	Dan Shouse	Fire	7-25-06	Public Ed/Info Officer – Captain to Public Ed/Info Officer – Battalion Chief
	Greg Moore	Fire	7-25-06	EMS Director to EMS Director/Captain
	Douglas S. Taylor	Fire	7-25-06	Lieutenant to Captain
	Sean Sullivan	Fire	7-25-06	Sergeant to Lieutenant
	Brad Keys	Fire	7-25-06	Firefighter/EMT to Sergeant
	Louis McClain	Fire	7-25-06	Captain to Acting Battalion Chief
Retirement	Robert Harlow	Public Works	7-31-06	Tech III Street Dept.; authorize payment of all accrued time

7. BOARD APPOINTMENTS

7.1 Board of Zoning Adjustments

- Reappointment of Kathy Peale for a term ending 7-1-10.
- Reappointment of Paul Looney for a term ending 7-1-10

Attachments:

- Letters of recommendation from Mayor May

7.2 Frankfort/Franklin County Tourist and Convention Commission

- Reappointment of Dr. Bill Braden for a term ending 6-30-09,

Attachments:

- Letter of recommendation from Mayor May

8. OLD BUSINESS

9. NEW BUSINESS

10. CITIZEN COMMENTS (Non-agenda items)

11. COMMISSIONER COMMENTS

12. ADJOURNMENT